
**WORK SESSION AGENDA
AUGUST 26, 2020
6:30 p.m.
VIA ZOOM**

1. Welcome and Introductions - Laura Smith, City Administrator
2. Goals/Objectives/Purpose - Laura Smith, City Administrator/Ben Hadley, Chief of Police
 - a. Step one of multi-phased Action Plan
 - b. Educate/Introduce Data/Identify Areas for continued discussion
3. Overview of Lexipol and Critical Policies - Kirk Lane, Patrol Captain
 - a. How Police Department policies are maintained and updated
 - b. Response to "8 Can't Wait" questions
 - c. Overlapping Relationships between policies
4. Use of Force Policy (Policy 300) and Practice - Kirk Lane, Patrol Captain
 - a. Overview of key policy points
 - b. Review Use of Force Report and how applied in real time
 - c. Training needs (on-going and case specific if patterns or trends are noted)
5. City of Mission Use of Force Data - Ben Hadley, Chief of Police/Kirk Lane, Patrol Captain
 - a. 20+ year overview and summary
 - b. 2017 - 2020 YTD
 - c. Future reporting for Council and public
6. Other Policies of Interest/Relevance - Ben Hadley, Chief of Police/Kirk Lane, Patrol Captain
7. Biased-based Statistics - Dan Madden, Investigations Captain
 - a. Tracking requirements (state law)
 - b. Training requirements (state law)
 - c. Review of Mission demographics (census data)
 - d. Mission statistics and data (last 12 months and cumulative for last 10 years)
 - e. Future reporting for Council and public

Preview of topics for the September 2 meeting: Police Officer hiring process and requirements, training and development, city, county and state accountability systems and structures, internal affairs complaints and investigations.



MEMORANDUM

Date: August 21, 2020
To: Mayor and City Council
From: City Administrator and Police Department Command Staff
RE: Presentation on Department Policies and Statistics

Following the death of George Floyd in Minneapolis on May 25, 2020, a spotlight has been focused on the policies and practices of police departments across the country, including those here in Johnson County. As we attempt to process such a horrible and tragic event, we quickly realize that we often fall short in our efforts to educate our elected officials, and the public about the steps taken by the Mission Police Department to ensure their focus is on protecting and serving everyone in our community.

During our August 26, 2020 work session we will begin step one of the action plan outlined by the City Council in July by starting a conversation surrounding relevant policies and use of force statistics. In addition, we will look at overall bias-based statistics/contact information that has been tracked for the last ten years. There is a lot of data and information to be shared, and we want to acknowledge up front that we don't intend for this to be a one-time presentation or static data. We hope it will serve as a starting point for a more formalized, continual review, evaluation and self-assessment in our efforts to strengthen the professionalism and accountability of our Police Department.

There is a lot of information to cover, and if we need more time to respond to questions or concerns we will plan for additional conversations.

Policies

In 2015, the Department recommended and the Council approved the purchase and subscription to the Lexipol digital law enforcement policy system. For many years, the Department used a program called Power DMS to support the management and distribution of the department's standard operating policies and procedures covering various aspects of law enforcement operations from pursuit policies to disciplinary guidelines. Maintaining a comprehensive, clear and updated set of policies and procedures is an important liability consideration for the Department and the City.

Power DMS worked well, but lacked functionality with respect to keeping the information readily accessible for officers, and for documenting officer review of policies and procedures. In addition, Power DMS did not provide support or regular status updates to ensure the policies



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and procedures were compliant with current law and best practices.

Staff research in 2015 indicated that several other cities in Johnson County had started, or were planning to start using Lexipol. Created in 2003 by attorneys and former law enforcement officers, the Lexipol model was “born from a vision of a better, safer way to run a public safety agency.” It provides local departments with policies aligned with current federal and state law and law enforcement best practices as well as risk management solutions that are continually updated. Lexipol now serves more than 2 million public safety and government professionals, including many of the cities in Johnson County.

The benefits of Lexipol to the department/city are significant and include:

- Provides the best and most current policies vetted through legal channels.
- Lexipol monitors state and federal court decisions that impact police policies and make changes and sends notifications to agencies as necessary. The review and update is continual.
- Lexipol software tracks any “changes” to the policies, including who made them. And provides a historical record of any changes.
- Provides daily training bulletins intended to keep policy issues “front and center” for officers. The daily bulletins can be system generated or initiated by Mission staff.
- Records/documents when the policies were signed off on by each officer.
- Provides webinars on various topics.

The City pays approximately \$11,000 annually for Lexipol services. Changes to the policies or policy updates are reviewed weekly by the patrol captain. Maintaining standardized law enforcement policies that are reviewed and updated on a regular basis is also an important consideration for the City’s general liability insurance carrier.

With a better understanding of how we develop and maintain police department policy, we can easily transition into a review and discussion of the specific policies which have been the subject of conversation for the last several months. As you will see from the Table of Contents which is included as Attachment 1, there are many policies included in the department’s manual. The focus during this work session will be on the following policies:

Policy 300 - Use of Force

Policy 320 - Standards of Conduct

Policy 401 - Bias-Based Policing

Policy 409 - Crisis Intervention Incidents

Policy 425 - Public Recording of Law Enforcement Activities



MEMORANDUM

Use of Force Policy

This policy provides guidelines on the reasonable use of force, and interacts with a number of other policies. The presentation will center around this policy in the most detail, with the others being reviewed at a high level, with staff available to answer questions or address concerns.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of the department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

Terms or definitions related to this policy include:

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Use of Force Types (from the Defensive Action Report):

- Empty Hand Control Techniques
- Intermediate Weapons
- Active Pointing
- Lethal Force

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

De-Escalation - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

Duty to intervene - Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

Training – This is either in house instructors, or by outside agencies and includes physical training tactics and scenario training.



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Use of force analysis - Each use of force incident is reviewed by the on duty supervisor, the Patrol Commander (Captain) and the Chief of Police. If a use of force is out of policy the Patrol Commander is notified and an internal affairs complaint is filed/initiated by the Captain or the supervisor.

Use of Force standards - Use Of Force reports are completed in situations where the Officer uses a “tool” or physical force to get a person to comply. If the suspect is injured or complains of injury, it is documented and medical is contacted to respond.

Use of Force Statistics

During the presentation additional information will be presented on specific use of force data maintained for the Department.

Bias-Based Policing Policy

The final topic on the work session agenda deals with biased-based policing policy and statistics. This policy provides guidance to department members that affirm the Mission Police Department's commitment to policing that is fair and objective.

- Prohibits racial/bias based policing (state law)
- State reporting (state law)
- Administration reports to the attorney general for the state any bias-based complaints (state law)
- Training is required each year by the state for bias-based profiling.

In addition to discussing the local and state requirements, specific data for the last 12 months and cumulative data from the last ten (10) years will be presented.

We look forward to beginning our review and discussion around these important topics with the Council and the broader community.

Attachments

- A. Use of Force Policy 300
- B. Defensive Action Report Form
- C. Standards of Conduct Policy 320
- D. Bias-Based Policing Policy 401
- E. Crisis Intervention Incidents Policy 409
- F. Public Recording of Law Enforcement Activity Policy 425

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Mission Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 DE-ESCALATION

Officers should consider that taking no action or passively monitoring a situation may be a reasonable response..

Once safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should Avoid

- Using stances or tactics that can be interpreted as aggressive.
- Avoid allowing others to interrupt or engage the person.
- Avoid cornering a person who is not believed to be armed, violent or suicidal.
- Avoid Argueing, speaking with a raised voice or use threats to obtain compliance.

Use of Force

300.4 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.4.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer or any person summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. A law enforcement officer is justified in the use of any force he/she reasonably believes to be necessary to both effect the arrest and also to defend him/herself or another from bodily harm while making the arrest (K.S.A. § 21-5227).

300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.

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- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.4.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.4.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be

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restricted. Officers are encouraged to use techniques and methods taught by the Mission Police Department for this specific purpose.

300.4.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.5 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.5.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.6.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of any use of force.

300.7 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

Use of Force

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Mission Police Department

Policy Manual

Use of Force

300.8.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. The shift supervisor will report their findings to the Patrol Commander or his designee in memo form.

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

<div>Case #</div> <div>Mission Police Department</div> <div>OFFICER DEFENSIVE ACTION REPORT</div>										
1) DATE		2) TIME		3) LOCATION			4) Associated Video: Vehicle(s) - BC(s) - Booking			
5) SUBJECT'S NAME				6) DATE OF BIRTH		7) HEIGHT	8) WEIGHT	9) RACE	10) ETH.	11) SEX
12) SUBJECT'S ADDRESS (NUMBER, CITY, STATE, ZIP)				13) PHONE NUMBER			14) NATURE OF CALL			
15) REASON THE USE OF FORCE WAS NECESSARY: Check all that apply										
<div><div><input type="checkbox"/> TO EFFECT AN ARREST</div><div><input type="checkbox"/> TO DEFEND ANOTHER OFFICER</div><div><input type="checkbox"/> TO DEFEND ANOTHER PERSON</div></div> <div><div><input type="checkbox"/> TO DEFEND SELF</div><div><input type="checkbox"/> TO PREVENT A VIOLENT FELONY</div><div><input type="checkbox"/> TO PREVENT A VIOLENT MISDEMEANOR</div></div> <div><div><input type="checkbox"/> TO RESTRAIN FOR SUBJECT'S SAFETY</div><div><input type="checkbox"/> ASSIST OTHER AGENCY</div><div><input type="checkbox"/> OTHER:</div></div>										
16) WAS SUBJECT INJURED?			17) TRANSPORTED BY		18) DESTINATION		19) ATTENDING PHYSICIAN/ADMITTING NURSE		20) PHOTOS BY	
<div><input type="checkbox"/> YES</div> <div><input type="checkbox"/> NO (go to block 22 UNLESS SUBJECT WAS STRUCK BY L.L. MUNITIONS)</div>							<div><input type="checkbox"/> ADMITTED</div> <div><input type="checkbox"/> TREATED AND RELEASED</div>			
21) DESCRIBE SUBJECT'S INJURIES (ALL THAT APPLY):										
<div><input type="checkbox"/> BRUISING</div> <div><input type="checkbox"/> UNCONSCIOUSNESS</div> <div><input type="checkbox"/> OTHER MINOR</div> <div><input type="checkbox"/> OTHER MAJOR</div> <div><input type="checkbox"/> DEATH</div>										
22) # SUBJECTS THAT RESISTED:		23) # OFFICERS PRESENT:		24) SUPERVISOR NOTIFIED/TIME			25) OTHER OFFICERS PRESENT (INCLUDE VEHICLE #)			
26) AT THE TIME OF ARREST, THE SUBJECT WAS:										
<div><div><input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS</div><div><input type="checkbox"/> MENTALLY IMPAIRED</div></div> <div><div><input type="checkbox"/> SUSPECTED UNDER THE INFLUENCE OF ALCOHOL OR DRUGS</div><div><input type="checkbox"/> OTHER:</div></div>										
27) LEVELS OF RESISTANCE:										
<div><div><input type="checkbox"/> PSYCHOLOGICAL INTIMIDATION (EXPLAIN):</div><div>(Non-verbal cues indicating the subject's attitude or physical readiness)</div></div> <div><div><input type="checkbox"/> VERBAL NON-COMPLIANCE (EXPLAIN):</div><div>(Verbal responses or threats of non-compliance to officer's directions)</div></div> <div><div><input type="checkbox"/> PASSIVE RESISTANCE (EXPLAIN):</div><div>(Dead weight or clinging to objects in an attempt to prevent the officer from gaining control)</div></div> <div><div><input type="checkbox"/> ESCAPE RESISTANCE (EXPLAIN):</div><div>(Pushing or pulling away from the officer to avoid control, however, not attempting to harm the officer)</div></div> <div><div><input type="checkbox"/> ACTIVE AGGRESSION (EXPLAIN):</div><div>(Physical actions of assault)</div></div> <div><div><input type="checkbox"/> DEADLY FORCE ASSAULTS (EXPLAIN):</div><div>(Assaults with the intent and apparent ability to cause death or great bodily harm)</div></div>										
28) LEVELS OF CONTROL (OFFICER PRESENCE IS ASSUMED):										
<div><div><input type="checkbox"/> VERBAL DIRECTION (EXPLAIN):</div><div>(Commands of direction or of arrest)</div></div> <div><div><input type="checkbox"/> ACTIVE POINTING (EXPLAIN):</div></div> <div><div><input type="checkbox"/> EMPTY HAND CONTROL TECHNIQUES (EXPLAIN):</div><div><div><div><div>SOFT</div><div><input type="checkbox"/> Escort</div></div><div><div>Location:</div><div></div></div><div><div><input type="checkbox"/> Joint Locks</div></div><div><div><input type="checkbox"/> Pressure Points</div></div></div><div><div>HARD</div><div><input type="checkbox"/> Hand Strikes</div></div><div><div>Location:</div><div></div></div><div><div><input type="checkbox"/> Leg Strikes</div></div><div><div>Location:</div><div></div></div></div></div>										

☐ INTERMEDIATE WEAPONS (EXPLAIN):

(Check all appropriate)

☐ OC Spray

☐ Expandable Baton

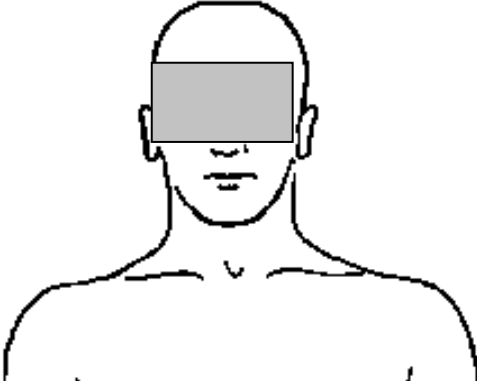
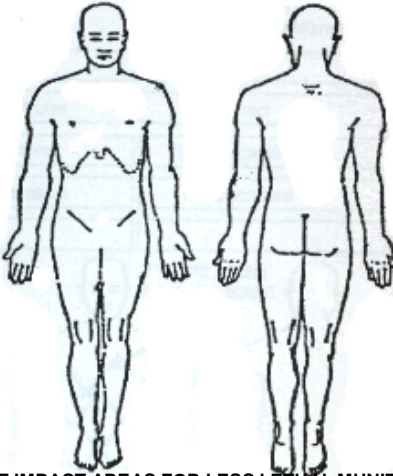
☐ Less Lethal Munitions

☐ Alternative Impact Weapon

☐ Other

☐ LETHAL FORCE (EXPLAIN):

(Firearms or other lethal force applied)

32) CONTROL POINT TARGET AREAS <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <p>Infra-Orbital Nerve (P.P.)</p> <p>Notch (P.P.)</p> <p>Brachial Plexus Tie-in (H.E.H.)</p> <p>Median Nerve (H.E.H./I.W.)</p> <p>Femoral Nerve (I.W., H.E.H.)</p> <p>Tibial Nerve (Rear) (I.W.)</p> <p>P.P. – Pressure Point H.E.H. – Hard Empty Hand I.W. – Impact Weapon</p> </div> <div style="width: 45%;"> <p>Mandibular Angle (P.P.) Jugular</p> <p>Hypoglossal Nerve (P.P.)</p> <p>Brachial Plexus (Origin) (H.E.H.)</p> <p>Brachial Plexus (Cervical Notch) (P.P.)</p> <p>Radial Nerve (I.W./H.E.H.)</p> <p>Common Peroneal (I.W., H.E.H.)</p> <p>Superficial Peroneal (H.E.H.)</p> </div> </div> <div style="margin-top: 20px;"> <p align="center">VARIABLES AFFECTING LEVELS OF CONTROL</p> <ol style="list-style-type: none"> 1. Officer/Subject Size and Gender 2. Environmental Conditions 3. Reaction Time </div>	33) CHEMICAL SPRAY TARGET AREA <div style="text-align: center; margin-top: 20px;">  </div>																
34) EFFECTS OF CHEMICAL SPRAY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> What Effect did Chemical Spray Have? Number of Times Sprayed: Eyes: <input type="checkbox"/> Closure <input type="checkbox"/> Tears <input type="checkbox"/> No Effect Nose: <input type="checkbox"/> Discharge <input type="checkbox"/> Irritation <input type="checkbox"/> No Effect </td> <td style="width: 50%; padding: 5px;"> Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Distance from Subject: ft. Skin: <input type="checkbox"/> Redness <input type="checkbox"/> Burning <input type="checkbox"/> No Effect Chest: <input type="checkbox"/> Coughing <input type="checkbox"/> Labored Breathing <input type="checkbox"/> No Effect </td> </tr> </table>		What Effect did Chemical Spray Have? Number of Times Sprayed: Eyes: <input type="checkbox"/> Closure <input type="checkbox"/> Tears <input type="checkbox"/> No Effect Nose: <input type="checkbox"/> Discharge <input type="checkbox"/> Irritation <input type="checkbox"/> No Effect	Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Distance from Subject: ft. Skin: <input type="checkbox"/> Redness <input type="checkbox"/> Burning <input type="checkbox"/> No Effect Chest: <input type="checkbox"/> Coughing <input type="checkbox"/> Labored Breathing <input type="checkbox"/> No Effect														
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35) POST INCIDENT OBSERVATION OF PHYSICAL AND MENTAL CONDITION OF SUBJECT <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 30px;">A. Immediately Following Final Control Technique:</td></tr> <tr><td style="height: 30px;">B. 15 Minutes Following Final Control Technique:</td></tr> <tr><td style="height: 30px;">C. 30 Minutes Following Final Control Technique:</td></tr> <tr><td style="height: 30px;">36) NARRATIVE: (Tab for next line down. Do not push enter)</td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> <tr><td style="height: 30px;"> </td></tr> </table>	A. Immediately Following Final Control Technique:	B. 15 Minutes Following Final Control Technique:	C. 30 Minutes Following Final Control Technique:	36) NARRATIVE: (Tab for next line down. Do not push enter)								37) <input type="checkbox"/> LESS LETHAL MUNITIONS IMPACT AREAS (Label with "LL") <div style="text-align: center; margin-top: 20px;">  </div> <p align="center">INDICATE IMPACT AREAS FOR LESS LETHAL MUNITIONS ON DIAGRAM</p> <p align="center">** BOXES # 15 THROUGH 20 REQUIRED FOR LESS LETHAL MUNITIONS DEPLOYMENT.</p>					
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36) NARRATIVE: (Tab for next line down. Do not push enter)																	
38) EFFECT OF LESS LETHAL MUNITIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> Effective? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="width: 70%; padding: 5px;"> Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Type of L.L. projectile </td> </tr> <tr> <td style="padding: 5px;"> Number of L.L. Rounds Deployed: </td> <td style="padding: 5px;"> # Hits </td> <td style="padding: 5px;"> # Misses </td> </tr> <tr> <td style="padding: 5px;"> Approximate Distance from Subject: ft. </td> <td colspan="2" style="padding: 5px;"> Number of L.L. Munitions Recovered and collected as evidence: </td> </tr> <tr> <td colspan="3" style="padding: 5px;"> Cover Officer Name and Badge Number </td> </tr> <tr> <td colspan="3" style="padding: 5px; text-align: center;"> OFFICER MUST TAKE PHOTOGRAPHS OF LESS LETHAL IMPACT AREA </td> </tr> </table>		Effective? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of L.L. projectile		Number of L.L. Rounds Deployed:	# Hits	# Misses	Approximate Distance from Subject: ft.	Number of L.L. Munitions Recovered and collected as evidence:		Cover Officer Name and Badge Number			OFFICER MUST TAKE PHOTOGRAPHS OF LESS LETHAL IMPACT AREA		
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OFFICER MUST TAKE PHOTOGRAPHS OF LESS LETHAL IMPACT AREA																	
Reviewing Supervisor	Badge #	ADDITIONAL REPORTS <input type="checkbox"/> Attached Addendum <input type="checkbox"/> Investigative Report <input type="checkbox"/> Supv. Report															

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Mission Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order and their immediate supervisor, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Kansas constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions, contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Mission Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DUTY TO INTERVENE

All members must recognize and act upon the duty to intervene or stop any member from conducting any act that is unethical, or that violates law or policy (e.g. excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.) Intervention may be verbal and/or physical. Members are expected to take an active approach to intervene and stop unethical behavior or misconduct when such an act is being committed by another member. Failure to intervene may subject a member to disciplinary action, up to and including termination.

320.5.4 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.5 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.6 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.8 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

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- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.9 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.

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- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

320.5.10 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.

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- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling, including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.12 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mission Police Department's commitment to policing that is fair and objective (K.S.A. § 22-4606 through K.S.A. § 22-4611).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include (K.S.A. § 22-4609):

Enforcement action - Any law enforcement act during a nonconsensual contact with an individual in:

- (a) Determining the existence of probable cause to take into custody or to arrest an individual.
- (b) Constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle.
- (c) Determining the existence of probable cause to conduct a search of an individual or a conveyance.

Racial or bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Mission Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 RACIAL/BIAS-BASED POLICING PROHIBITED

Racial or bias-based policing is strictly prohibited.

This includes but is not limited to, using the race, ethnicity, national origin, gender or religion of a person (K.S.A. § 22-4610):

- (a) As a general indicator or predictor of criminal activity.
- (b) In the course of any law enforcement action unless an officer is seeking to detain, apprehend or otherwise be on the lookout for a suspect sought in connection with a

Bias-Based Policing

crime who has been identified or described in part by race, ethnicity, national origin, gender or religion.

- (c) In the course of any reasonable action in connection with a status offense, such as runaways, child in need of care, missing persons and other non-criminal caretaker functions unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.
- (d) As a motivating factor in making law enforcement decisions or actions unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.
- (e) As the basis for discretionary law enforcement (e.g., citation, arrest, warning, search, release or treating a person with respect and dignity).

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

Any member violating the provisions of this policy or the state or federal statutes pertaining to racial or other biased-based policing or violating the constitutional rights of any person as provided in this policy is subject to corrective action or discipline. Such discipline includes actions appropriate in response to the nature of the violation based on facts revealed in the investigation of the complaint and consistent with applicable laws, rules and regulations, labor contracts, resolutions, ordinances or policies, including but not limited to, demerits, suspension or termination of employment. Discipline may also include retraining, counseling, or any other action deemed appropriate to deter repeated violations

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

Bias-Based Policing

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of racial or bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy and notify the appropriate Division Commander.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning racial or bias-based policing.

401.6 STATE REPORTING

The Records Section shall submit an annual report to the Attorney General on or before July 31 for the preceding period of July 1 to June 30. The report shall consist of the number of racial or other biased-based policing complaints received and additional information as required by K.S.A. § 22-4610(d).

401.7 ADMINISTRATION

The Patrol Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the racial or bias-based policing report submitted to the Attorney General and the annual Department report and discuss the results with those they are assigned to supervise.

This policy and the department's data collection procedures shall be available for public inspection during normal business hours (K.S.A. § 22-4610(b)).

Mission Police Department

Policy Manual

Bias-Based Policing

401.7.1 COMPLAINTS OF RACIAL OR OTHER BIASED-BASED POLICING

The Department shall conduct ongoing community outreach and communication efforts to inform the public of a person's right to file a complaint with this department and/or the Office of the Attorney General that includes the procedure for filing the complaint and the complaint process (K.S.A. § 22-4610(c)).

Any person who believes that he/she is the subject of racial or other bias-based policing may file a complaint in accordance with the Personnel Complaints Policy.

401.8 TRAINING

Annual training on racial or bias-based policing and review of this policy should be conducted as directed by the Training Sergeant (K.S.A. § 22-4610(c)).

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis – A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The Mission Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Crisis Intervention Incidents

409.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Crisis Intervention Incidents

409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Commander.
- (f) Evaluate whether a critical incident stress debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Involuntary Civil Commitments Policy.

409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

Mission Police Department

Policy Manual

Crisis Intervention Incidents

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 EVALUATION

The Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Public Recording of Law Enforcement Activity

425.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

425.2 POLICY

The Mission Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

Public Recording of Law Enforcement Activity

individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

425.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

425.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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Public Recording of Law Enforcement Activity

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

City of Mission Police Policies and Statistics

A series of horizontal lines in teal and white colors, located at the bottom of the title area.

Agenda

- Welcome and Introductions
- Goals/Objectives/Purpose
- Overview of Lexipol and Critical Policies
- Use of Force Policy (Policy 300) and Practice
- Use of Force Data
- Other Policies of Interest/Relevance
- Biased-based Statistics

Purpose of Policies

- Provide guidelines for officers to perform duties:
 - Professionally
 - Legally
 - Ethically
 - Fairly
 - Reasonably
- Policies cannot account for every potential situation

Policy Development and Maintenance

- Lexipol
 - Mission implemented in 2015
 - Provides policies rooted in law and best practices
 - Created by lawyers, risk managers, and former law enforcement officers
 - Constantly monitors changes in state and federal law, as well as court decisions that impact policies
 - Tracks changes
 - Used by 9 law enforcement agencies in Johnson County and 49 agencies throughout the State of Kansas

Policy Change Comparison

Policy
300

Use of Force

Compare against last issued policy

The Mission Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 DE-ESCALATION

Officers should consider that taking no action or passively monitoring a situation may be a reasonable response..

Once safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.

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- Introduce themselves and attempt to obtain the person's name

Lexipol - Added Value

- Tracks when officers “sign-off” that they’ve read and understand each specific policy
 - Original issue
 - Policy updates
- Daily training bulletins are issued that provide constant reinforcement of policies
 - Scenario followed by a one question quiz
 - Daily training bulletins place an emphasis on high risk-low frequency events, but cover all areas of policy.

Daily Training Bulletins

Crisis Intervention Incidents

Tue, Aug 04 2020

Crisis Intervention Incidents

Wed, Aug 05 2020

Investigation and Prosecution

Thu, Aug 06 2020

Records Maintenance and Release

Fri, Aug 07 2020

Daily Training Bulletins

Daily Training Bulletin



Foot Pursuits

Topic: Officer Safety and Tactics

Accreditation Standard:

DTB Date: 08/14/2020

Scenario:

The quiet of this balmy August afternoon is broken by an armed robbery at a grocery store. Since the suspect is reported to have fled on foot, Officer Jon McMahon responds to an area near the store and begins looking for the suspect. Just as he arrives, Officer McMahon sees a male matching the suspect description run from an apartment complex into a wooded area adjacent to an elementary school. Officer McMahon jumps out of his vehicle and begins chasing the man.

"Foot pursuit," he excitedly yells into his portable radio. "Behind the elementary school...white male...long dark hair...baseball cap...blue shirt...tan shorts," he tells Dispatch, between breaths.

Officer McMahon's supervisor, Sergeant Denise Crawford, dashes to her patrol vehicle, cringing at the thought of Officer McMahon, fresh out of field training, running after the suspect. While she makes her way to the area, she hears Officer McMahon's breathless voice, "He just tossed a gun...and a couple of baggies...into a bush...in front of the elementary school."

Sergeant Crawford jerks her mic from the clip. "I'm monitoring radio traffic and responding. I'll be coordinating our response," she tells Dispatch.

ISSUE: What is Sergeant Crawford required to do if the suspect is arrested during the foot pursuit?

Manual:

308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

Daily Training Bulletins

Daily Training Bulletin



Foot Pursuits

Topic: Officer Safety and Tactics

Accreditation Standard:

DTB Date: 08/14/2020

Question:

Which of the following is *not* a responsibility of a supervisor upon becoming aware of a foot pursuit?

- ☐ Direct responding resources
- ☐ Take command, control, and coordination of the foot pursuit
- ☐ Notify the media of the foot pursuit
- ☐ Respond to the area, when possible

Use of Force

- Policy
- Accountability/Reporting
- Training
- Statistics

Use of Force-Policy (Policy 300)

- Allows Officers to use “reasonable force” when warranted.
- Language compliant with Kansas law.
 - [K.S.A. 21-5227](#)
- Includes Duty to Intercede/Intervene and Report
- Includes De-Escalation (also covered in Crisis Intervention Incidents Policy)

Use of Force - Policy

- Some of the Factors Used to Determine Reasonableness:
 - Immediacy and severity of the threat
 - The risk and consequences if suspect escapes
 - Proximity of weapons
 - Was subject was effectively restrained
 - Seriousness of the suspected offense/contact
 - Officer/subject factors (age, size, strength, skill, injuries, exhaustion, number of officers vs. subjects)

Officer/Subject Factors



Use of Force - Policy

- Deadly Force Applications
 - When reasonable, officer shall make efforts to identify themselves as a police officer and give a warning prior to using deadly force.
 - Deadly force is justified in the following circumstances involving imminent threat or imminent risk:
 - An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
 - An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Use of Force - Policy

- Imminent Danger
 - Imminent does not mean immediate or instantaneous.
 - May exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person.
 - May also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

Use of Force - Policy

- Use of Force to Seize Evidence

- May use force to lawfully seize evidence and to prevent the destruction of evidence.
- Should not intentionally use a technique that restricts blood flow to the head, restricts respiration or creates likelihood that blood flow to the head or respiration would be restricted.

- Moving Vehicles

- When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
- An officer should only discharge a firearm at a moving vehicle or its occupants when the officer believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.
- Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

Use of Force - Policy

- Medical Considerations

- Requires officers to seek medical assistance for distress/injuries when it is safe to do so.
- Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.
- Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
- Excited Delirium recognition and response.

Use of Force - Reporting/Accountability

- Any time an officer uses force they must complete a Defensive Action Report (Use of Force Report).
 - Thresholds for reporting vary between law enforcement agencies.
 - Mission requires completion of a Defensive Action Report anytime an action, beyond verbal commands, is used.
 - For example, pointing a Taser at an individual even if Taser is not deployed requires a report to be filed.

<div style="display: flex; justify-content: space-between;"> <div> Mission Police Department OFFICER DEFENSIVE ACTION REPORT </div> <div>Case # _____</div> </div>										
1) DATE _____		2) TIME _____		3) LOCATION _____		4) Associated Video: Vehicle(s) - BC(s) - Booking _____				
5) SUBJECT'S NAME _____				6) DATE OF BIRTH _____		7) HEIGHT _____	8) WEIGHT _____	9) RACE _____	10) ETH. _____	11) SEX _____
12) SUBJECT'S ADDRESS (NUMBER, CITY, STATE, ZIP) _____				13) PHONE NUMBER _____		14) NATURE OF CALL _____				
15) REASON THE USE OF FORCE WAS NECESSARY: Check all that apply <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> TO EFFECT AN ARREST</div> <div style="width: 33%;"><input type="checkbox"/> TO DEFEND SELF</div> <div style="width: 33%;"><input type="checkbox"/> TO RESTRAIN FOR SUBJECT'S SAFETY</div> <div style="width: 33%;"><input type="checkbox"/> TO DEFEND ANOTHER OFFICER</div> <div style="width: 33%;"><input type="checkbox"/> TO PREVENT A VIOLENT FELONY</div> <div style="width: 33%;"><input type="checkbox"/> ASSIST OTHER AGENCY</div> <div style="width: 33%;"><input type="checkbox"/> TO DEFEND ANOTHER PERSON</div> <div style="width: 33%;"><input type="checkbox"/> TO PREVENT A VIOLENT MISDEMEANOR</div> <div style="width: 33%;"><input type="checkbox"/> OTHER: _____</div> </div>										
16) WAS SUBJECT INJURED?			17) TRANSPORTED BY _____		18) DESTINATION _____		19) ATTENDING PHYSICIAN/ADMITTING NURSE _____		20) PHOTOS BY _____	
<input type="checkbox"/> YES <input type="checkbox"/> NO (go to block 22 UNLESS SUBJECT WAS STRUCK BY L.L. MUNITIONS)							<input type="checkbox"/> ADMITTED <input type="checkbox"/> TREATED AND RELEASED			
21) DESCRIBE SUBJECT'S INJURIES (ALL THAT APPLY): <input type="checkbox"/> BRUISING <input type="checkbox"/> UNCONSCIOUSNESS <input type="checkbox"/> OTHER MINOR <input type="checkbox"/> OTHER MAJOR <input type="checkbox"/> DEATH										
22) # SUBJECTS THAT RESISTED: _____		23) # OFFICERS PRESENT: _____		24) SUPERVISOR NOTIFIED/TIME _____		25) OTHER OFFICERS PRESENT (INCLUDE VEHICLE #) _____				
26) AT THE TIME OF ARREST, THE SUBJECT WAS: <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> MENTALLY IMPAIRED <input type="checkbox"/> SUSPECTED UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> OTHER: _____										
27) LEVELS OF RESISTANCE: <input type="checkbox"/> PSYCHOLOGICAL INTIMIDATION (EXPLAIN: _____ <small>(Non-verbal cues indicating the subject's attitude or physical readiness)</small> <input type="checkbox"/> VERBAL NON-COMPLIANCE (EXPLAIN: _____ <small>(Verbal responses or threats of non-compliance to officer's directions)</small> <input type="checkbox"/> PASSIVE RESISTANCE (EXPLAIN: _____ <small>(Dead weight or clinging to objects in an attempt to prevent the officer from gaining control)</small> <input type="checkbox"/> ESCAPE RESISTANCE (EXPLAIN: _____ <small>(Pushing or pulling away from the officer to avoid control, however, not attempting to harm the officer)</small> <input type="checkbox"/> ACTIVE AGGRESSION (EXPLAIN: _____ <small>(Physical actions of assault)</small> <input type="checkbox"/> DEADLY FORCE ASSAULTS (EXPLAIN: _____ <small>(Assaults with the intent and apparent ability to cause death or great bodily harm)</small>										
28) LEVELS OF CONTROL (OFFICER PRESENCE IS ASSUMED): <input type="checkbox"/> VERBAL DIRECTION (EXPLAIN: _____ <small>(Commands of direction or of arrest)</small> <input type="checkbox"/> ACTIVE POINTING (EXPLAIN: _____ <input type="checkbox"/> EMPTY HAND CONTROL TECHNIQUES (EXPLAIN: _____ <div style="display: flex; justify-content: space-between;"> <div> SOFT <input type="checkbox"/> Escort <input type="checkbox"/> Joint Looks <input type="checkbox"/> Pressure Points </div> <div> Location: _____ HARD <input type="checkbox"/> Hand Strikes Location: _____ <input type="checkbox"/> Leg Strikes Location: _____ </div> </div> <input type="checkbox"/> INTERMEDIATE WEAPONS (EXPLAIN: _____ <small>(Check all appropriate)</small> <input type="checkbox"/> OC Spray <input type="checkbox"/> Expandable Baton <input type="checkbox"/> Less Lethal Munitions <input type="checkbox"/> Alternative Impact Weapon <input type="checkbox"/> Other _____ <input type="checkbox"/> LETHAL FORCE (EXPLAIN: _____ <small>(Firearms or other lethal force applied)</small>										
29) RESTRAINT METHOD USED: <input type="checkbox"/> HANDCUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> FLEX CUFFS <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> NONE										
30) REPORTING OFFICER/ SIGNATURE _____				Badge # _____		31) SUPERVISOR SIGNATURE _____			Badge # _____	

32) CONTROL POINT TARGET AREAS P.P. – Pressure Point H.E.H. – Hard Empty Hand I.W. – Impact Weapon VARIABLES AFFECTING LEVELS OF CONTROL 1. Officer/Subject Size and Gender 2. Environmental Conditions 3. Reaction Time	33) CHEMICAL SPRAY TARGET AREA 34) EFFECTS OF CHEMICAL SPRAY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> What Effect did Chemical Spray Have? Number of Times Sprayed: Eyes: <input type="checkbox"/> Closure <input type="checkbox"/> Tears <input type="checkbox"/> No Effect Nose: <input type="checkbox"/> Discharge <input type="checkbox"/> Irritation <input type="checkbox"/> No Effect </td> <td style="width: 50%; padding: 2px;"> Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Distance from Subject: ft. Skin: <input type="checkbox"/> Redness <input type="checkbox"/> Burning <input type="checkbox"/> No Effect Chest: <input type="checkbox"/> Coughing <input type="checkbox"/> Labored Breathing <input type="checkbox"/> No Effect </td> </tr> </table>	What Effect did Chemical Spray Have? Number of Times Sprayed: Eyes: <input type="checkbox"/> Closure <input type="checkbox"/> Tears <input type="checkbox"/> No Effect Nose: <input type="checkbox"/> Discharge <input type="checkbox"/> Irritation <input type="checkbox"/> No Effect	Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Distance from Subject: ft. Skin: <input type="checkbox"/> Redness <input type="checkbox"/> Burning <input type="checkbox"/> No Effect Chest: <input type="checkbox"/> Coughing <input type="checkbox"/> Labored Breathing <input type="checkbox"/> No Effect										
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35) POST INCIDENT OBSERVATION OF PHYSICAL AND MENTAL CONDITION OF SUBJECT A. Immediately Following Final Control Technique: B. 15 Minutes Following Final Control Technique: C. 30 Minutes Following Final Control Technique: 36) NARRATIVE: (Tab for next line down. Do not push enter)	37) <input type="checkbox"/> LESS LETHAL MUNITIONS IMPACT AREAS (Label with "LL") INDICATE IMPACT AREAS FOR LESS LETHAL MUNITIONS ON DIAGRAM ** BOXES # 16 THROUGH 20 REQUIRED FOR LESS LETHAL MUNITIONS DEPLOYMENT. 38) EFFECT OF LESS LETHAL MUNITIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;"> Effective? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="width: 30%; padding: 2px;"> Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="width: 40%; padding: 2px;"> Type of L.L. projectile </td> </tr> <tr> <td style="padding: 2px;"> Number of L.L. Rounds Deployed: </td> <td style="padding: 2px;"> # Hits </td> <td style="padding: 2px;"> # Misses </td> </tr> <tr> <td style="padding: 2px;"> Approximate Distance from Subject: ft. </td> <td colspan="2" style="padding: 2px;"> Number of L.L. Munitions Recovered and collected as evidence: </td> </tr> <tr> <td colspan="3" style="padding: 2px;"> Cover Officer Name and Badge Number </td> </tr> </table>	Effective? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of L.L. projectile	Number of L.L. Rounds Deployed:	# Hits	# Misses	Approximate Distance from Subject: ft.	Number of L.L. Munitions Recovered and collected as evidence:		Cover Officer Name and Badge Number		
Effective? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were Further Control Methods Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of L.L. projectile											
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Approximate Distance from Subject: ft.	Number of L.L. Munitions Recovered and collected as evidence:												
Cover Officer Name and Badge Number													
Reviewing Supervisor _____ Badge # _____	OFFICER MUST TAKE PHOTOGRAPHS OF LESS LETHAL IMPACT AREA ADDITIONAL REPORTS <input type="checkbox"/> Attached Addendum <input type="checkbox"/> Investigative Report <input type="checkbox"/> Supv. Report												

Use of Force - Reporting/Accountability

- After a use of force occurs:
 - Supervisor is notified and responds if available.
 - Supervisor investigates the incident.
 - Officer completes Defensive Action Report.
 - Supervisor completes investigation and sends memo to the Patrol Commander.
 - Patrol Commander reviews incident for policy compliance and to identify training issues, equipment needs, or any policy revision recommendations.
 - At any point in this process an Internal Affairs investigation can be commenced if necessary.

Use of Force - Training

- Officers participate in regular defensive tactics classes customized around topics/tactics identified through the analysis of use of force data, and other factors.
- Firearm Training Simulator (FATS)
 - Officers put through multiple scenarios, and not all require use of force.
 - Scenarios may focus on de-escalation training the officer to use good verbal and non-verbal de-escalation techniques.
 - Officers are coached by the instructor in appropriate amount of force, and communication techniques in stressful situations.

Use of Force - Overview

- Specific records are not available since the Department's creation, but at least over the past 25 years the Mission Police Department has not used force that lead to anyone's death or serious injury.
- In the past 20 years, officers have only discharged their firearms twice in the course of duty.
 - One shot fired at a vehicle after it attempted to run over an officer. (Would violate our current policy).
 - Officers shot and wounded an individual shooting into Highlands Elementary School and subsequently came out of his home and pointed weapon at officers.



City of Mission Demographics

Taken from data.census.gov

▼ Total population	9,437	±37	9,437	(X)
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- Demographic makeup of Mission.
- Other factors that influence demographics.
 - Metropolitan area, not an island
 - 3 major thoroughfares that go through Mission
 - Destination locations – HyVee, Target, DMV, County Offices

Use of Force-Statistics

	2017	2018	2019	2020 YTD
Total Calls	19,405	17,000	17,624	22,466*
Total Use of Force Incidents	23	24	22	12
% of Calls Where Force Used	0.12%	0.14%	0.12%	0.05%

*Switched to using CAD data in 2020

Highlighting statistics from 2017-2019 and 2020 YTD

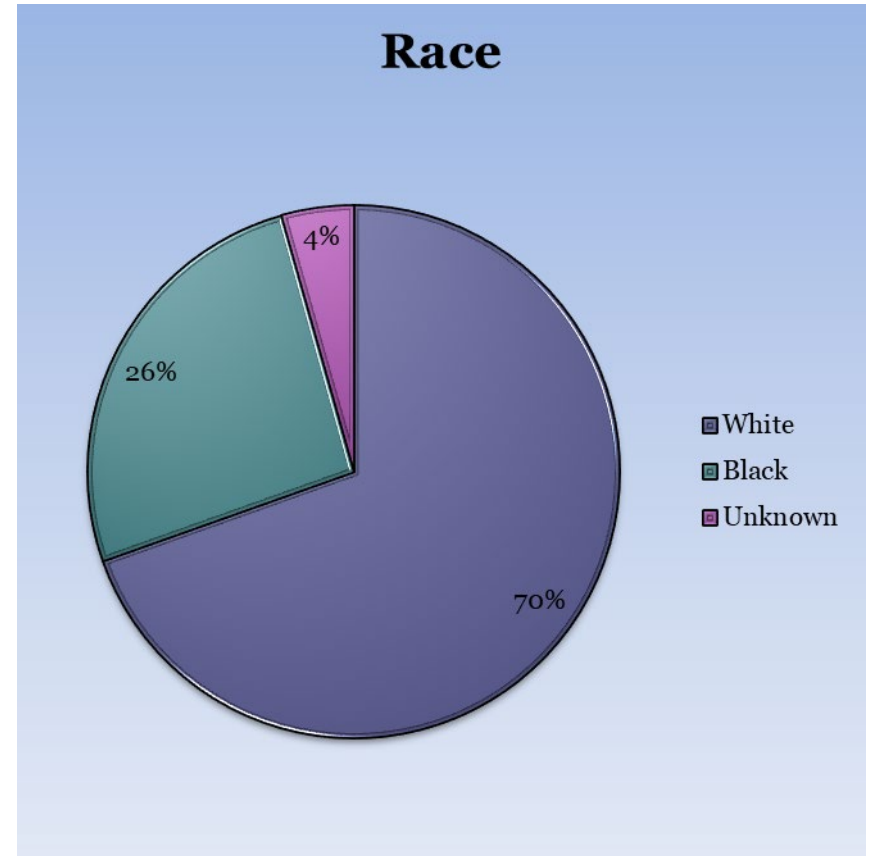
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Pointing Firearm	7	31%
Arm Bar	5	22%
Strikes	2	9%
Point Taser	1	4%
Deploy Taser	1	4%
OC Spray	1	4%
Less Lethal Point	0	0%
Baton Strike	0	0%
Totals	23	100%

Sex	Contacts
Male	17
Female	5
Unknown	1



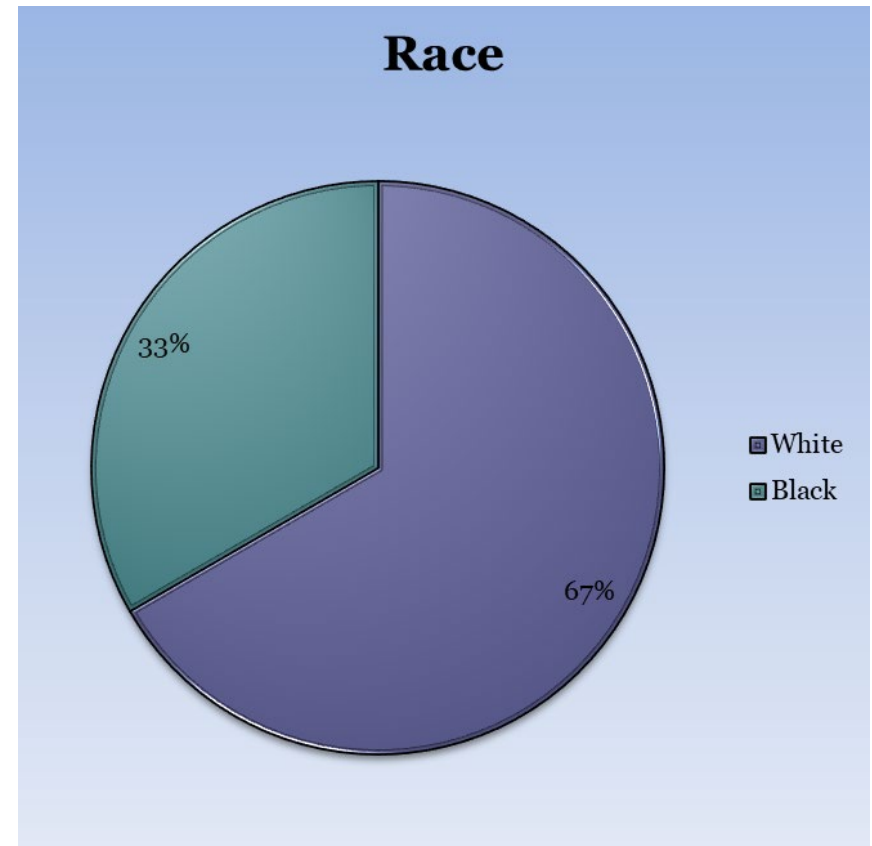
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Baton Strike	0	0%
Totals	24	100%

Sex	Contacts
Male	22
Female	2
Unknown	0



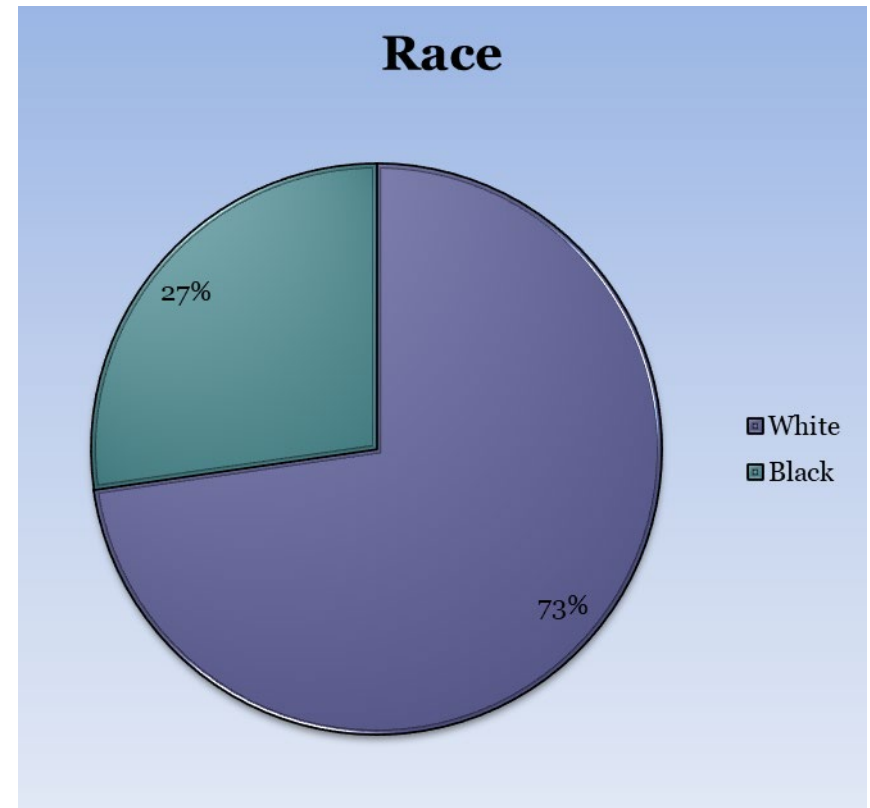
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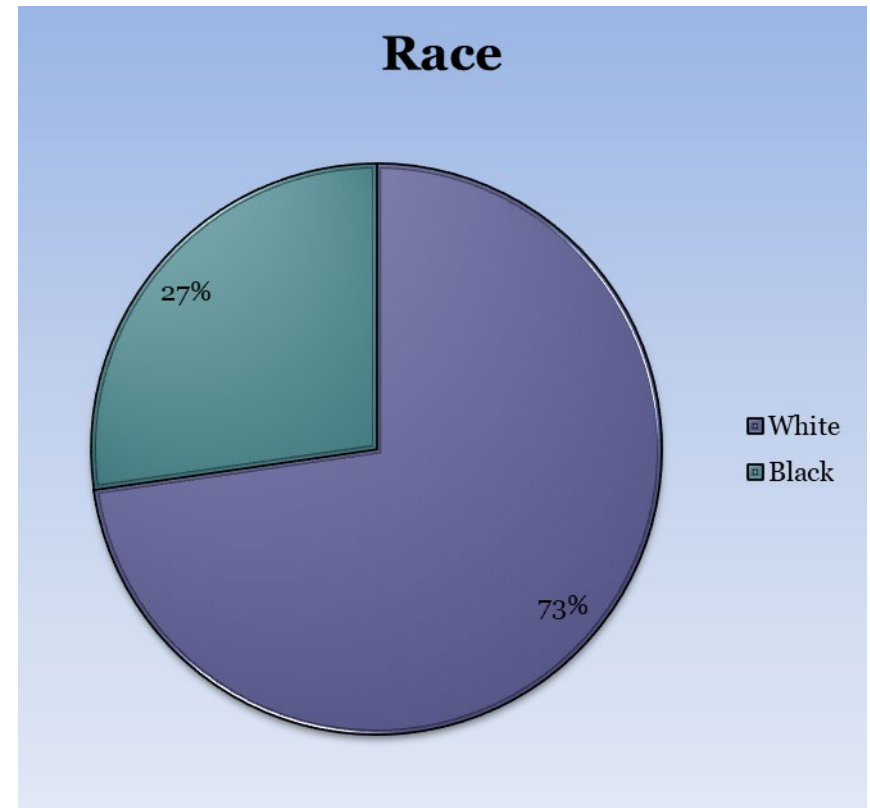
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Strikes	1	8%
Point Taser	0	0%
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Baton Strike	1	8%
Totals	12	100%

Sex	Contacts
Male	8
Female	4
Unknown	0



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Black	3	27%
Unknown	0	0%

Other Policies of Interest/Relevance

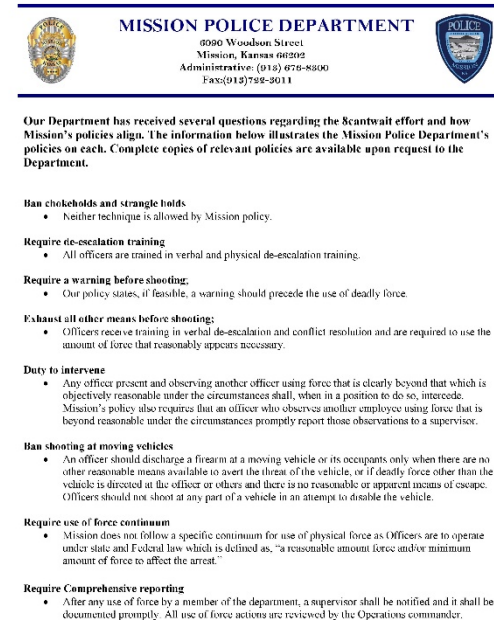
- Standards of Conduct (Policy No. 320)
 - Includes general workplace guidelines in addition to:
 - Reinforcing Duty to Intervene
 - Reinforcing techniques to address “Discrimination, Oppression, or Favoritism.”
 - Discusses Integrity and Performance issues (On and Off-Duty)
- Crisis Intervention Incidents (Policy No. 409)
 - Identification of “Persons in Crisis” and steps to take to appropriately handle mental health issues.
 - Additional reinforcement of De-escalation techniques.
- Mission partners with Johnson County Mental Health and has a Co-Responder to assist persons having a mental health crisis.
 - 2019 Responses (9 mos): 28 2020 Responses (YTD): 16

Other Policies of Interest/Relevance

- Public Recording of Law Enforcement Activity
 - Mission Police will not prohibit or intentionally interfere with recording officers.
 - Recordings may be made from any public place or private property where the individual has the legal right to be present.
 - Recording cannot interfere with law enforcement activity.
 - Tampering with witness or suspect.
 - Inciting others to violate the law.
 - Being so close that it presents a safety hazard to officers.
 - Being so close that it interferes with effective communication with a suspect or witness.

“8 Can’t Wait” Recap

- Responded to Johnson County NAACP’s recent “Call for Action” which included a summary of how current agency policies and practice aligned with the “8 Can’t Wait” initiative.
- Published response on City’s website
- Will continue to review and revisit



Preventing Bias in Policing

- Policy
- Law
- Training
- Statistics
- Future reporting

Bias-Based Policing - Policy

- Policy prohibits enforcement action based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics).
- Supervisors periodically review data and video for signs of any bias-based concerns.
- While state law does not currently require collection of stop data, the Mission Police Department has collected basic demographic data for several years.
- Data only collected for discretionary contacts (traffic stops, pedestrian checks), not calls for service.

Bias-Based Policing-Law

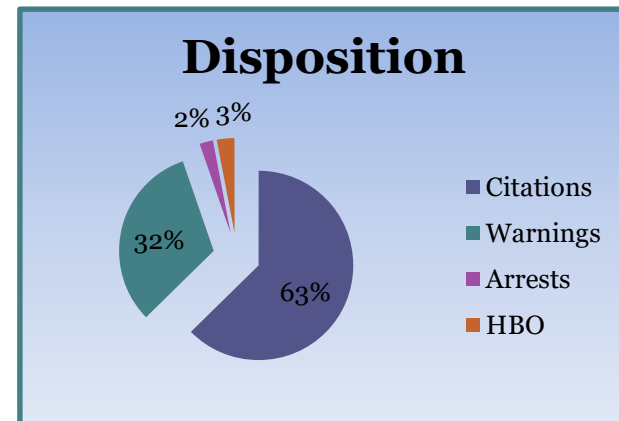
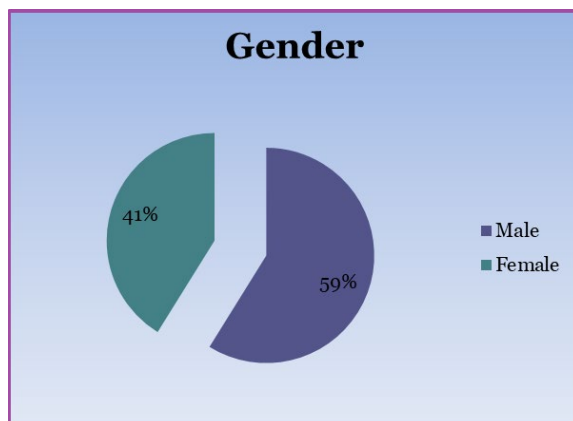
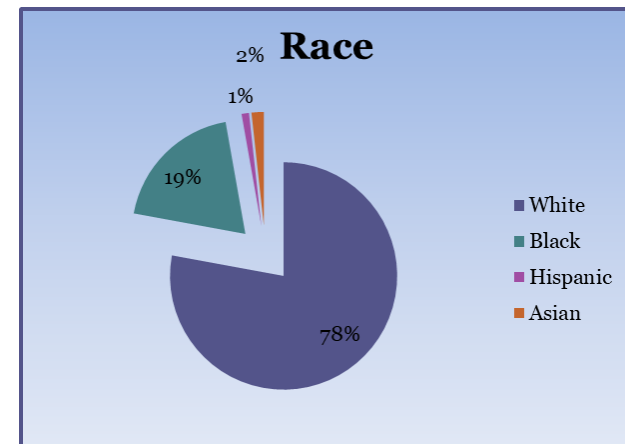
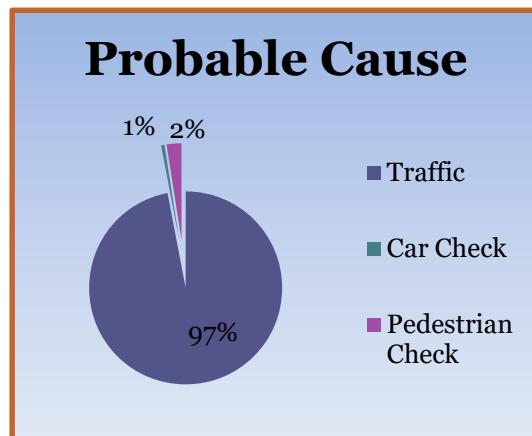
- Kansas Law (K.S.A. 22-4606 and 22-2609) prohibits racial or other bias-based policing.
- Kansas law requires every law enforcement officer to receive “training relevant to racial or other biased-based policing” annually.
- Kansas law requires every law enforcement agency to submit an annual report to the Kansas Attorney General.
 - Number of bias-based complaints and disposition.
 - Policy in place that complies with law.
 - If all officers attended required bias-based training.
 - Website: <https://ag.ks.gov/public-safety/racial-and-bias-based-policing>

Bias-Based Policing - Law

- Bias-based complaints can also be filed directly with the Kansas Attorney General's Office.
- If a biased-based complaint is substantiated, the Kansas Attorney General forwards to the Kansas Commission on Peace Officers' Standards and Training (CPOST).
- CPOST has the authority to censure, suspend, or revoke a police officers certification.

Bias-Based Policing -Statistics

7,674 Total Stops 07/2019 to 07/2020												
Probable Cause			Race				Gender		Disposition			
Traffic	Car Check	Pedestrian Check	White	Black	Hispanic	Asian	Male	Female	Citations	Warnings	Arrests	HBO
7,443	42	189	5,977	1,482	81	134	4,516	3,158	4,808	2,459	176	231
97%	1%	2%	78%	19%	1%	2%	59%	41%	63%	32%	2%	3%



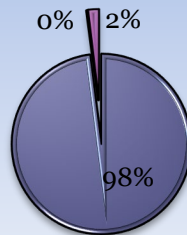
Bias-Based Policing - Statistics

95,166 Total Stops from April 2010 to July 2020

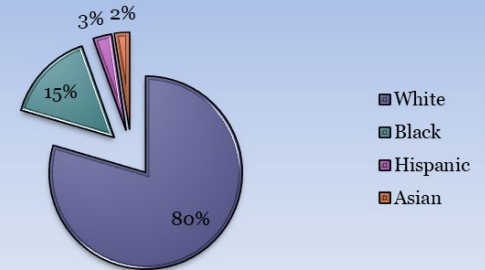
Probable Cause			Race				Gender		Disposition				
Traffic	Car Check	Pedestrian Check	White	Black	Hispanic	Asian	Male	Female	Citations	Warnings	Arrests	HBO	FIF
93,255	268	1,643	75,710	14,319	2,906	2,231	57,509	37,657	62,699	27,278	3,328	1,858	3
98%	0%	2%	80%	15%	3%	2%	60%	40%	66%	29%	3%	2%	0%

Probable Cause

■ Traffic ■ Car Check ■ Pedestrian Check

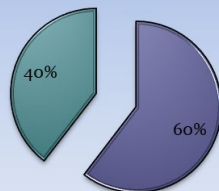


Race



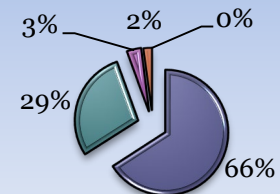
Sex

■ Male ■ Female



Disposition

■ Citations ■ Warnings ■ Arrests





QUESTIONS AND DISCUSSION



NEXT STEPS AND UPCOMING MEETINGS



**THANK YOU FOR
JOINING US TONIGHT!**

Mission Police Department

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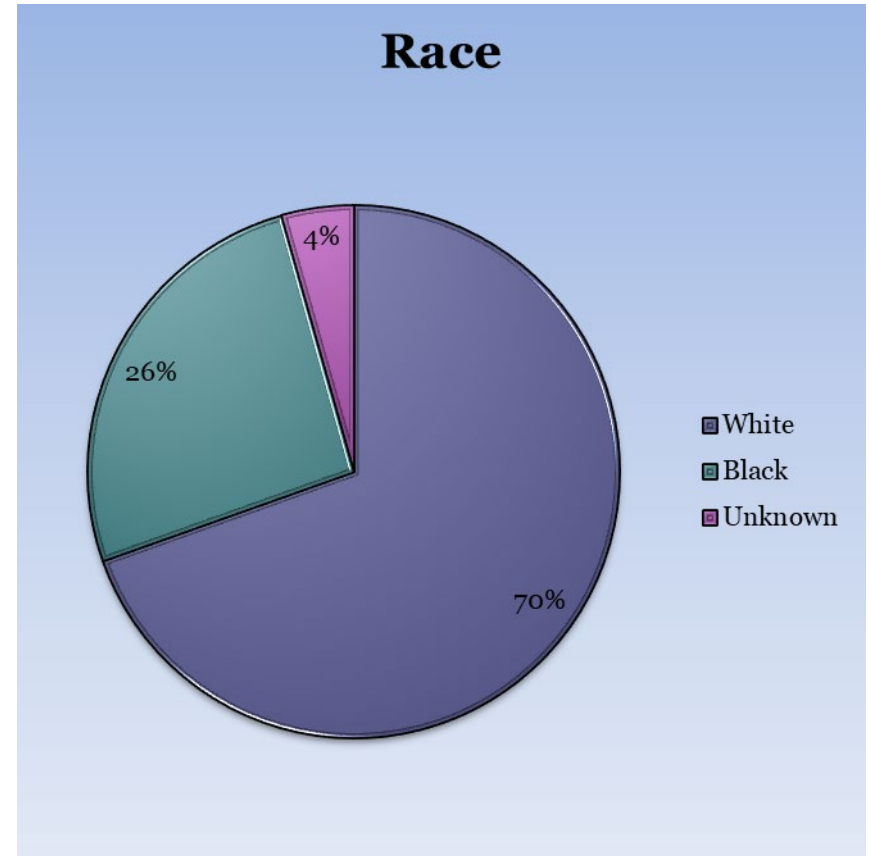
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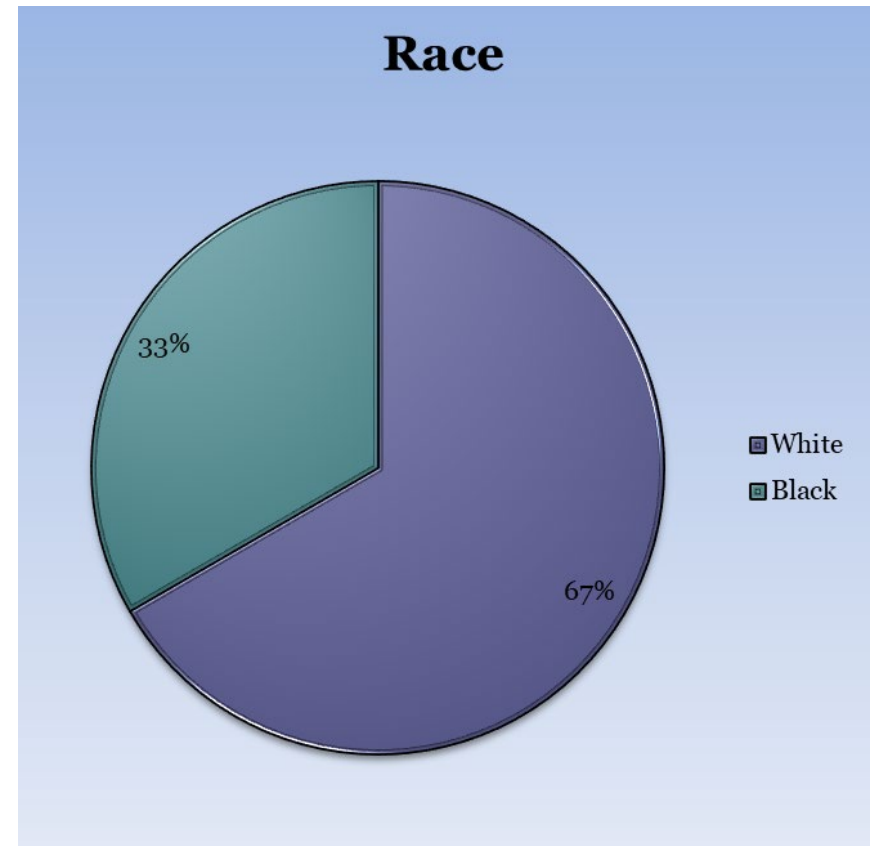
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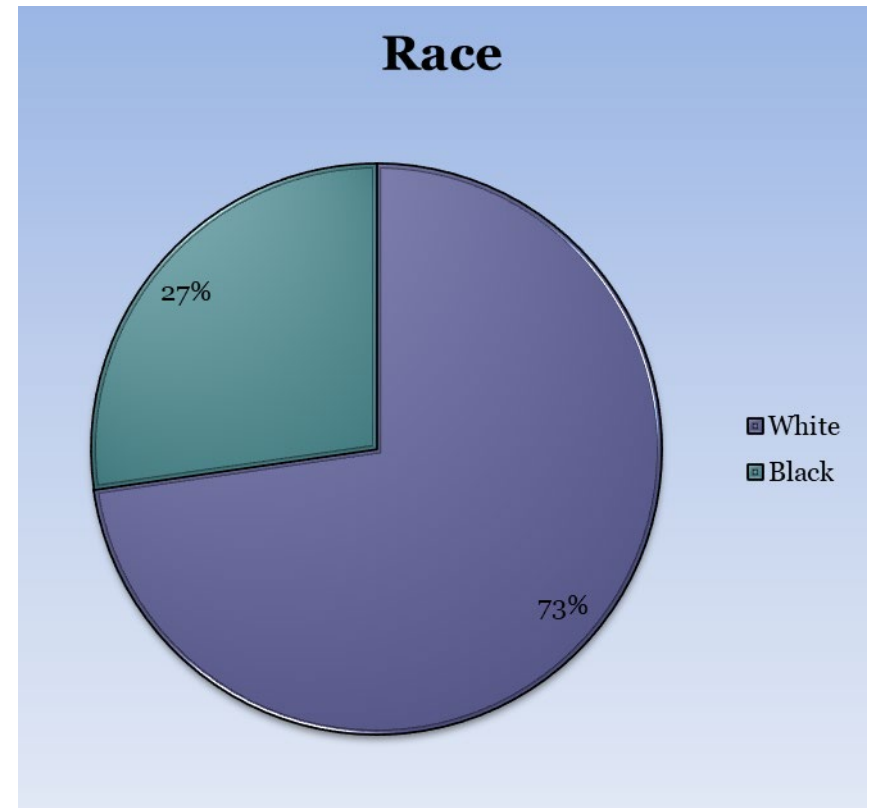
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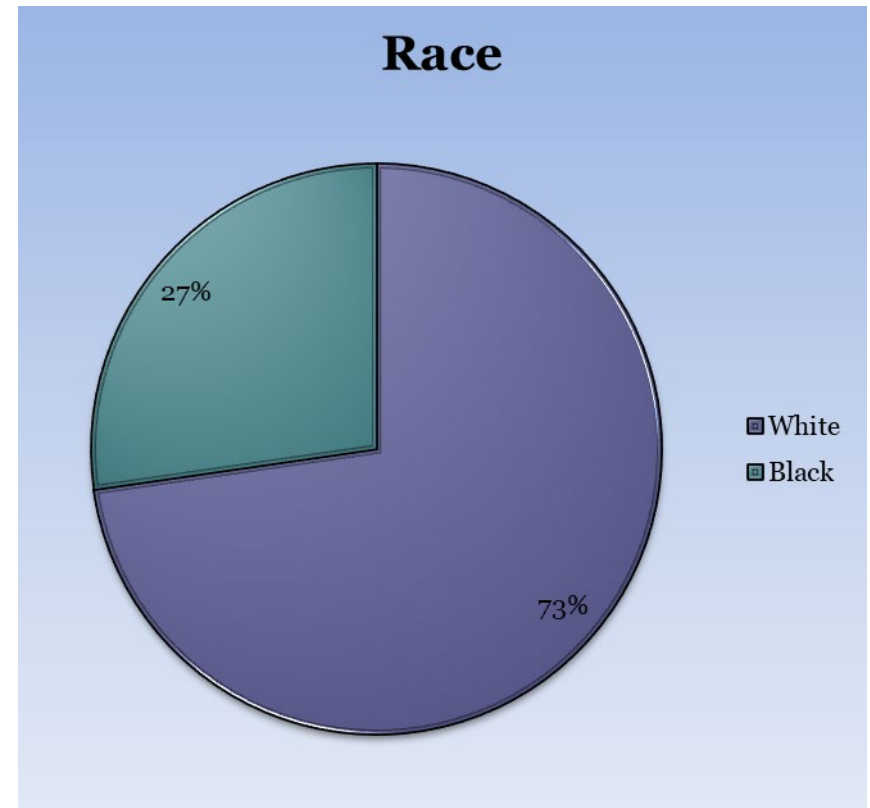
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POLICE USE OF FORCE

SAFER COMMUNITIES THROUGH
SOUND POLICIES

AUGUST 2020

Incumbent upon every law enforcement agency is the mission to support community safety while respecting individual rights. Comprehensive, best practice agency policy is essential to fulfilling that mission.

At Lexipol, we have been engaged in the challenging and inspiring work of creating law enforcement policies for nearly two decades. During this time, the national dialogue on police policy, especially as it pertains to use of force, has evolved and increased in intensity. Today, that conversation includes voices calling for reform to address systemic bias and excessive force as well as voices advocating for guidance that reflects the realities of police work.

For law enforcement policy to be effective, it must be applicable, practicable and functional. With more than 2,075 years of combined public safety experience, Lexipol's policy developers and attorneys carefully craft policy to include state and federal legislation and case law, but also to reflect the dynamic nature of the policing profession. This is not always an easy process; policy is rarely black and white. We employ a rigorous yet collaborative development and review process to ensure diverse perspectives—internal and external to our company—are considered. Finally, recognizing that each agency must own its policy, we encourage our customers to thoroughly review and customize our policies as needed to account for community needs and agency-specific factors.

Following are summaries of our policy positions on key issues related to law enforcement use of force. For more detailed information, please visit our [Police Use of Force website](#).

Carotid Restraint

Medical evidence supports the carotid control hold as safer compared to other control techniques or the use of impact weapons, and research does not support categorizing a properly applied vascular neck restraint as lethal force. However, there is considerable confusion among the public between respiratory and vascular restraints and in several jurisdictions, one or both techniques have been either entirely prohibited, criminalized, or limited to when deadly force is authorized. Accordingly, Lexipol's best practice policy has been recently amended to clearly define the carotid control hold and to limit the technique to instances where deadly force is authorized. The section is removed from states where the technique is criminalized. (The manual mandates officers to follow the law and therefore does not specifically delineate crimes in policies.) Finally, Lexipol also guides agencies to customize content if the technique is prohibited by the agency or where the agency lacks the resources to train individual officers in this technique.

De-Escalation

While there is no Supreme Court holding requiring de-escalation, the legal landscape is varied and unsettled; some lower courts have considered de-escalation as a factor in determining whether the force used was objectively reasonable. In practice, most police officers recognize they should use de-escalation tactics in situations where they can be safely and effectively applied. Some departments have adopted policies or procedures directing officers to use non-violent strategies and techniques to decrease the intensity of the situation and decrease the need for force when circumstances permit.

Lexipol has traditionally addressed de-escalation in its policies covering the incidents where the techniques are most commonly effective—civil commitments, crisis intervention incidents, conducted energy device deployments (e.g., TASER®) and civil disputes. In addition, Lexipol's Use of Force policy guided officers to consider whether there are other reasonable options when determining whether to even apply force. In July 2020, Lexipol decided to emphasize de-escalation with a requirement and specific examples. The Use of Force Policy now includes a standalone section on de-escalation that requires officers to consider and use non-violent strategies and techniques to decrease the intensity of a situation when time and circumstances permit. These techniques should be used to improve communication with the goal of increasing voluntary compliance. These tactics include crisis intervention techniques, requesting appropriate backup, and alternative strategies to reduce the need for force.

Exhausting All Reasonable Alternatives Before Deadly Force

A common concept in police reform efforts is the need to require officers to exhaust *all* alternatives before resorting to deadly force. In practice, this is an unrealistic expectation that fails to account for the split-second decisions officers may have to make and rapidly evolving incidents. There is no general law that every alternative must be exhausted before using deadly

force. Instead, courts have settled on the finding by the Supreme Court in *Graham v Connor* (1989)—that the force used by an officer should be “objectively reasonable” given the totality of the circumstances known to the officer. Lexipol applies the same *Graham* reasonableness standard to all uses of force, including deadly force. This does not mean, however, that officers shouldn’t consider other alternatives before using deadly force when they can—they should, and Lexipol policy supports doing so. Lexipol policies make it clear that officers may only use reasonable force, and, in a number of situations, recommend or prescribe actions and alternatives that make it less likely an officer will need to use deadly force.

Warning Before Deadly Force

Best practice regarding warnings before deadly force reflects both legal precedent and historical experience—generally, officers are expected to provide verbal warnings in deadly force situations whenever it is feasible and safe to do so. However, some police reform groups recommend requiring a verbal warning in every instance where deadly force might be used. The Supreme Court has addressed verbal warnings in the context of *fleeing felons*, but not before every use of force. In *Tennessee v. Garner*, the Court required a verbal warning before the use of deadly force to stop a fleeing felon under certain circumstances where the verbal warning was “feasible.” Some lower courts consider whether verbal warnings were used prior to the application of deadly force when determining whether force is “objectively reasonable,” but none explicitly require the use of verbal warnings prior to the use of deadly force.

Lexipol policy has traditionally aligned with Supreme Court precedent, stating that a verbal warning should precede the use of deadly force to stop a fleeing subject, where feasible. Recognizing this could be read to imply that warnings aren’t appropriate in other circumstances, Lexipol amended the policy in July 2020 to clarify that warnings should be used whenever reasonable before deploying deadly force. Ultimately, training is vital to lower the likelihood of death or serious injury to officers, suspects, and other citizens in any encounter.

Duty to Intervene

Police officers throughout the U.S. are entrusted with making ethical decisions every day. In some instances, the ethical decision involves whether to intervene during a colleague’s use of force. This decision requires moral and ethical courage, something that policy can influence only to a certain degree. Yet, clear policy establishes the expectations, defines the conditions, and describes the responsibilities. Police reformers have called for agencies to adopt duty to intervene policies as a way to reduce excessive force.

Lexipol has long included duty to intercede in its Use of Force Policy, focusing on two essential elements—stopping unreasonable force from happening and reporting it afterwards, even if the second officer was not able to intervene. In the spirit of continuous quality improvement, in

July 2020 Lexipol expanded the duty to intercede to situations where a law enforcement officer observes unreasonable force by any other law enforcement officer, within or outside the agency, as well as by members of the agency. This language goes beyond current case law requirements while taking into account the realities of policing. Lexipol policy also requires any member who witnesses an unreasonable use of force, regardless of whether an intercession occurred, “to promptly report these observations to a supervisor.” Lexipol also added a section to advise officers that other officers may have additional information and different perspectives of the ongoing situation, and to consider these possibilities when deciding whether to intervene.

Shooting at Moving Vehicles

Shooting at moving vehicles, whether in an attempt to disable the vehicle or neutralize the driver, is often ineffective and dangerous. It typically does not stop the vehicle, fails to mitigate the threat to the officer, jeopardizes uninvolved people, and injures or kills occupants. Lexipol policy acknowledges the ineffectiveness and danger of this tactic, guiding officers to “move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants” and prohibiting discharging their weapon unless “the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle.” This guidance has been in Lexipol policy for over a decade.

Recently, police reformers have initiated a movement to ban police from shooting at moving vehicles altogether. This position does not align with Supreme Court case law as well as numerous cases in federal circuits that found shooting at vehicles is reasonable under certain circumstances where an individual or the vehicle itself was posing a deadly threat to the officer. Further, the position is not practical. There may be occasions where officers must shoot at a moving vehicle to stop the infliction of death or serious injury (e.g., vehicle attacks against crowds). Given that shooting at moving vehicles involves several real-time considerations (e.g., what precipitates the need for deadly force, the potential for striking someone or something beyond the target), it is prudent for agencies to address this issue through robust training in accordance with policy.

Use of Force Continuum

The concept of a use of force continuum is not new to the law enforcement profession. Recently, several groups have advocated law enforcement agencies adopt a use of force continuum as a means of addressing concerns of excessive force and to reduce the types of force used by law enforcement professionals. Proponents of a use of force continuum assert it “restricts the most severe types of force to the most extreme situations and creates clear policy restrictions on the use of each police weapon and tactic.”

As numerous legal and police professionals have noted, however, use of force continuums are difficult to apply because they cannot encompass all the variables present in use of force

incidents, which are often unpredictable and dynamic. The inconsistencies and discrepancies within continuum models also create risks by mandating that officers use a level of force that may be far greater or far less than what is reasonable in a given situation. A use of force continuum is not a panacea for guiding officers through actual force situations and fails to take into account, as the Supreme Court has noted, that the use of force occurs in “tense, uncertain, and rapidly evolving” situations. Neither case law nor state legislation requires the adoption of use of force continuums within policy. Accordingly, Lexipol’s Use of Force Policy does not include a continuum, instead following precedent set by the Supreme Court in *Graham v. Connor* that force must be “objectively reasonable.”

Comprehensive Reporting

Transparency and accountability are critical to ethical policing. Without these two factors, the public rightfully becomes mistrustful of and cynical toward the law enforcement profession. Comprehensive reporting of police use of force, including threats to use force, is a key component of transparency and accountability, which is why police reform advocates have made reporting a focus of their efforts.

Lexipol policy requires documenting any use of force, as well as additional related situations that may not constitute an actual use of force, in a written report. These situations include when a person is restrained and released without an arrest, deployment of a pepper projectile system (whether or not the launcher was used), any application of a control device, any discharge of a Conducted Energy Device (including pointing the device at a person, laser activation and arcing the device), and pointing of a firearm. Lexipol policy also requires notification of a supervisor in many circumstances in which force is used or threatened. These policies not only prescribe comprehensive reporting of individual use of force events, but also provide the basis for the agency to track uses of force, identify force and resistance trends, monitor individual officer trends, develop responsive training programs, adjust deployment strategies in response to data, and share data with their community in an effort to remain transparent.

Use of Force Trend Analysis

Law enforcement uses of force are routinely analyzed at the incident level. But evaluation of trends in use of force within an agency is also important. Such analysis is critical to ensure transparency, accountability, and, when necessary, remediation through training or other actions. It is up to individual law enforcement agencies to enshrine collection and analysis expectations in policy. Lexipol provides agencies with guidance to do just that. Lexipol’s Use of Force Policy directs the division commander to prepare an annual analysis on use of force incidents. Several related policies also outline data collection and analysis requirements. The stated goal is to determine whether various uses of force were proper and effective and whether improvements could be made. This policy guidance supports agency efforts to understand use of force trends and improve the law enforcement profession.

The Role of Supervisors

The role of the law enforcement supervisor is to provide leadership to officers and effectively manage all types of incidents. With regard to uses of force, a supervisor's responsibilities range from on-scene management to post-incident investigation and evaluation. For more than a decade, Lexipol's best practice has been to delineate specific responsibilities to supervisors in policy and reinforce the importance of involving supervisors in responding to, investigating, and reporting certain uses of force for additional review.

To that end, Lexipol's Use of Force Policy lists specific types of incidents that require an officer to notify a supervisor (e.g., an individual was struck or kicked) and outlines numerous responsibilities for supervisors upon notification of a use of force. At least five related policies highlight additional responsibilities for supervisors responding to uses of force. In July 2020, acknowledging that the role of supervisors has become even more vital in this regard, Lexipol added specific mandates requiring supervisors to respond to any use of force incident where there has been a visible injury. Additionally, Lexipol expanded reporting requirements for members to notify supervisors of any potential excessive use of force. This clear and effective policy guidance regarding the role of supervisors helps ensure incidents where force is used are effectively managed, properly investigated and accurately documented.

Providing Medical Aid After a Use of Force

For more than a decade, Lexipol's policies, training, and publications have educated and guided law enforcement officers to promptly render medical aid following uses of force when it is safe to do so. Our Use of Force Policy requires members to secure medical assistance for anyone who "exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious." Members are expected to continuously monitor any person who exhibits signs of physical distress after an encounter with law enforcement until the person can be medically assessed. As part of our commitment to continuous improvement, the policy now cautions officers not to place subjects on their stomach for an extended period, as this could impair their ability to breathe.

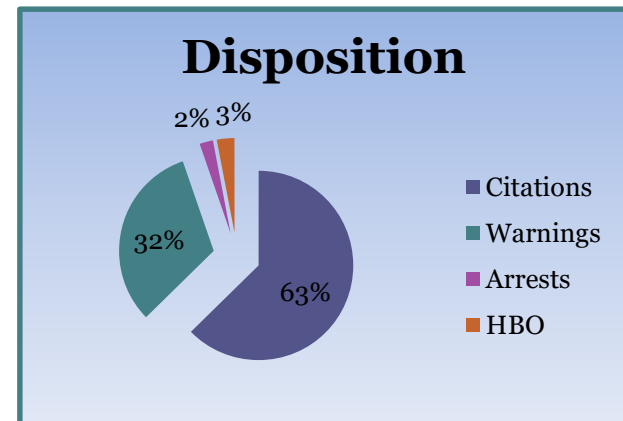
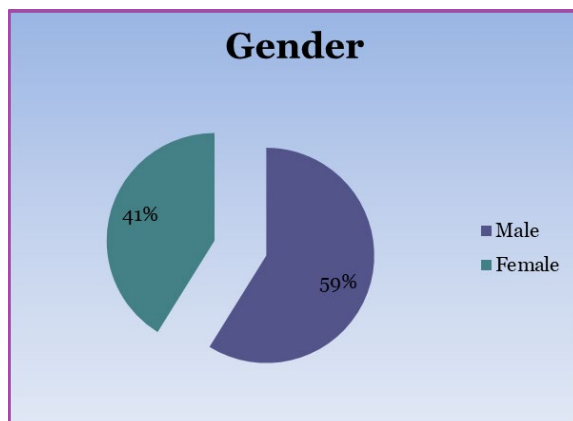
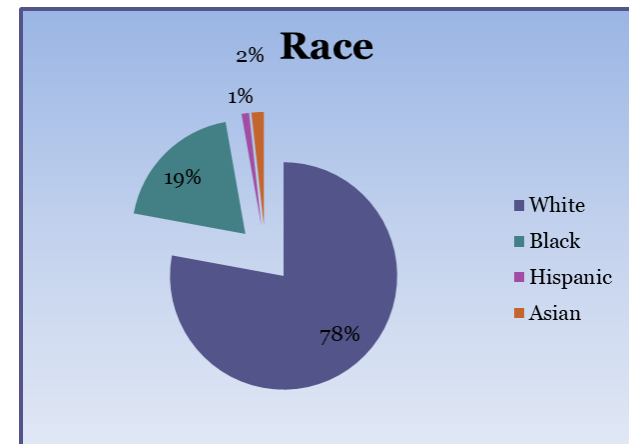
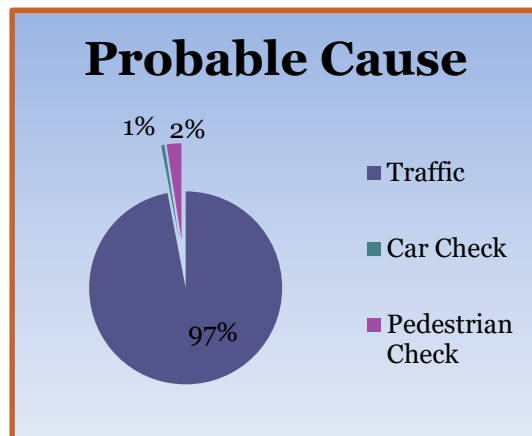
Additional policies, including the Medical Aid and Response Policy, Handcuffing and Restraints Policy, Control Devices Policy, and Conducted Energy Device Policy, provide additional medical aid guidelines for specific types of incidents. Through these policies and related training content, Lexipol urges law enforcement officers to err on the side of caution when it comes to providing medical aid in the use of force context. As Lexipol co-founder Gordon Graham states, providing medical care "shouldn't be a tough call" and is "the right thing to do."

Performance History Audits

Police reformers and law enforcement professionals agree on the need to identify potentially problematic behavior patterns and address them promptly to reduce the chances of unlawful or dangerous behavior on the part of the officer. Performance history audits (also known as early warning systems) provide an important tool for law enforcement agencies to compile and analyze patterns of behavior in an officer's conduct. Lexipol has long embraced the use of performance history audits to flag potential training issues and other behavior before the officer's on-the-job conduct becomes a problem. Our Performance History Audits Policy identifies specific data (performance indicators) that should be considered in the performance history audit. This data includes use of force incidents, personnel complaints, canine bite incidents, prior vehicle collisions, and claims and civil suits against the officer. The policy provides for quarterly audits of every officer and defines levels of remediation, potential disciplinary action, and follow-up monitoring.

Bias-Based Policing -Statistics

7,674 Total Stops 07/2019 to 07/2020												
Probable Cause			Race				Gender		Disposition			
Traffic	Car Check	Pedestrian Check	White	Black	Hispanic	Asian	Male	Female	Citations	Warnings	Arrests	HBO
7,443	42	189	5,977	1,482	81	134	4,516	3,158	4,808	2,459	176	231
97%	1%	2%	78%	19%	1%	2%	59%	41%	63%	32%	2%	3%



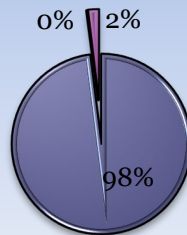
Bias-Based Policing - Statistics

95,166 Total Stops from April 2010 to July 2020

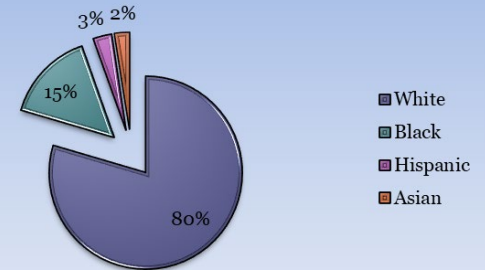
Probable Cause			Race				Gender		Disposition				
Traffic	Car Check	Pedestrian Check	White	Black	Hispanic	Asian	Male	Female	Citations	Warnings	Arrests	HBO	FIF
93,255	268	1,643	75,710	14,319	2,906	2,231	57,509	37,657	62,699	27,278	3,328	1,858	3
98%	0%	2%	80%	15%	3%	2%	60%	40%	66%	29%	3%	2%	0%

Probable Cause

■ Traffic ■ Car Check ■ Pedestrian Check

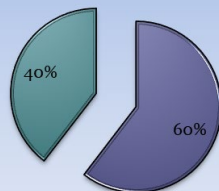


Race



Sex

■ Male ■ Female



Disposition

■ Citations ■ Warnings ■ Arrests

